

(2)

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS

FILED

JUN 30 2009 *aw*  
Jun 30. 2009

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA,  
Plaintiff-Respondent,

09cv1347

v.

Case No. 09-C-1347  
HONORABLE JAMES F. HOLDERMAN

STEVE LISCANO,  
Defendant-Movant.

DEFENDANT-MOVANT'S SUPPLEMENT TO 2255 MOTION  
TO VACATE, SET ASIDE OR CORRECT SENTENCE

Now Comes the Defendant-Movant Steve Liscano in pro se and pursuant to the Court's order of *May 2009*, and hereby files the foregoing Supplement which Supplement Defendant-Movant's original 2255 which was filed in this case on April 7, 2009.

With regard to grounds six (the district court forced Petitioner to acquiesce to the predicate state offenses which were utilized to support the sentencing enhancement applied to petitioner under 21 U.S.C. Section 851); Seven (counsel was ineffective for his failure to properly cross-examine witnesses regarding the conspiracy as it related to gang conspiracy that was not legally alleged in the indictment) Twelve (counsel was ineffective for failing to move for discovery of the Kane County Juail phones related to Juan Corral which could have been used to impeach Mr. Corral's testimony.), Defendant-Movant Supplement his 2255 by filing the attached documents which demonstrate Defendant-Movant's diligent

efforts to obtain discovery from the Kane County Judicial Center (Jail) which would have been used to support the claim made in grounds Six, Seven and Twelve of Defendant-Movant's pending Section 2255.

Dated: 6-25-09

Respectfully submitted,



Steve Liscano, Pro Se

CERTIFICATE OF SERVICE

I hereby states that a true and correct has been mailed via prison mailroom on this 25<sup>TH</sup> day of June, 2009, to the following:

United States Attorney's Office  
219 S. Dearborn Street  
Chicago, IL 60604

Respectfully submitted,



Steve Liscano, Pro Se  
Federal #  
Federal Correctional Complex  
P.O. Box 33  
Terre Haute, IN 47808-0033

CIRCUIT COURT OF KANE COUNTY

Deborah Seyller, Circuit Clerk

P.O. Box 112

Geneva, IL 60134-0112

(630) 232-3413

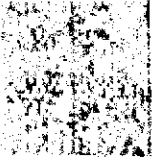


0061533

Case No.

(4 copies)

4-1-11



RECEIVED  
JUN 25 2009  
CLERK OF COURT  
JANICE L. BROWN

MY MOTION ~~STENIE B. LISCANO~~ #~~11-11-09~~  
FOR KANE COUNTY P.O. Box 957  
"ASKING FOR DISCOVERY" WHEATON, IL. 60187

AGENCIES:

- ☐ United States Parole Commission
- ☐ Federal Bureau of Investigation
- ☐ Immigration & Naturalization Service
- ☐ Internal Revenue Service
- ☐ United States Attorney
- ☐ Treasury Department
- ☐ Bureau of Prisons
- ☒ State Agency
- ☐ Other:

TO: THE CLERK OF THE COURTS OF:  
Kane County Courthouse  
Judicial Center, 37 West  
777 RT. 38 ST. Charles  
Illinois 60175

DIRECT RESPONSE TO:

Name: Mr. Steve R. Liscano

Reg. No.: #14996-424

Unit: C-1

Date: May 19<sup>th</sup>, 2006.

IDENTIFICATION OF REQUESTER:

NAME: Mr. Steve R. Liscano

ALIAS:

DATE OF BIRTH: 5-8-1977

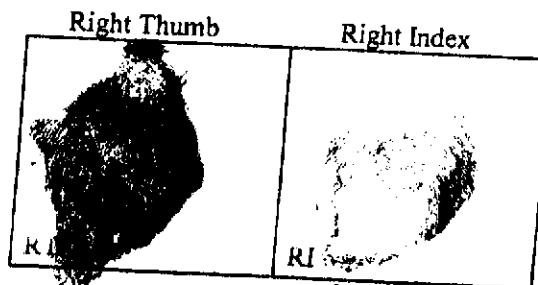
PLACE OF BIRTH: Aurora, IL

F.B.I. NO: 846726XA0

SOC. SEC. NO.: #451-41-4943

OTHER:

RE: FREEDOM OF INFORMATION ACT  
(U.S.C. 552) PRIVACY ACT  
(5 U.S.C. 552a (d) (1)) Request:  
EXEMPTIONS (5 U.S.C. 552 A  
(J) (2)) OR SPECIFIC (U.S.C.  
552a (k) (2)) NOT APPLICABLE TO  
THIS REQUEST



Dear Sir/Ms:

~~This letter will serve as my request pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 52a (d) (1), and the applicable State Statutes governing Freedom of Information Requests if state agency request, for full disclosure and release of all records and / or data contained in the files of your agency, and specifically under my name and / or an identifier assigned to my name. This request is sought specifically for amendment, deletion and / or expungement (5 U.S.C. 552a (d) (2) (a)) of records maintained by your Agency. The records sought but not limited to, is the compiled file containing (1) arrest records, (2) investigation and / or investigatory reports, (3) reports or evidentiary and / or scientific information findings, (4) wants, warrants, and / or detainers, (5) final and closing investigation reports; and (6) any and / or all information, data or reports not otherwise exempt by statute (5 U.S.C. (56) (1974). Menard v Saxbe, 498 F.2d 1015, 1021 (9th Cir. 1974). Your Agency is advised that the investigation reports in toto are no longer accorded exempt status unless under the specific exemption noted., and only with reference to~~

*Specific citation of authority, Paton v. La Prade, 524 F.2d 826,868-69.(CA3 1975).*

*Specific requests:*

1. Any an all confiscation forms paraining to the residence at 1135 McDonald Ave, when raided by the Kane County Sheriff's Department Task Force in the year of 2000. This request is not limited to any an all documents pertaining to this matter.

It is further requested that your agency in response to the material requested specifically inform me if and to whom the file and / or any material therein contained has been released to any identifiable individual or agency, their name, title, purpose and need for such information, the date of such release, the specific reference to authority, statute or regulation, governing such release (5 U.S.C. 52a (d) (1)), Paton v La Parde, 524 F. 2d 862 (CA3 1975), Tarlton v Saxbe, 507 F. 2d. 1116, 165 U.S. App. D.C. 293 1974), of Linda R.S. v Richard D., 410 U.S. 614, 93 S.Ct. 1146 1975, 42 L.Ed.2d 1073.

If is further requested that your agency provide me with a copy of specific regulations of your Department as provided by statute (5 U.S.C 552), so that compliance with such regulations is adhered to except as otherwise provided by law (5 U.S.C. 701 et. seq.).

This request is made under the Freedom of information Act (5 U.S.C., 552) and the Privacy Act (5 U.S.C. 552a) together with the "alternate means of access to record on file with your Agency. If and for any reason it is determined that portions of the material and records sought is exempt by state (5 U.S.C. (6) (c) (b) (7), 522a (j) (2) (k) (2) or by regulation (Menard v Mitchell, 430 F. 2d. 486, 139 U.S. App. D.C. 113 (1970), Nemetz v Department of Treasury, 446 F. Supp 102) I request specific citation to authority for such deletion. If it should be determined that any material be deemed **CONFIDENTIAL** due to the material for release. Paton v La Parde, 524 F. 2d. 862 (CA3 1975), Chastain v Kelly, 510 F. 2d. 1232. I further agree go pay any reasonable costs, or file IN FORMA Pauperis if I am indigent, provided by statute or regulation of your agency, for search and copying of the material requested.

Pursuant to Title 5 U.S.C. 552 (6) (1) (1), it is noted that your Agency has ten (10) working days following receipt of this request to provide the information and material sought. If the request is denied, the date as to when your Agency will be able to act upon request.

Yours truly,

Steve Liscane

Dated: MAY 19<sup>th</sup>, 2006

VERIFICATION

STATE OF INDIANA

COUNTY OF VIGO

CITY OF TERRE HAUTE

1

1

1

1

1

\_\_\_\_\_, First being duly sworn,  
deposes and say: That he is the affiant herin, that he has read  
the forgoing request for information release submitted to \_\_\_\_\_  
\_\_\_\_\_ and knows the contents thereof. That the  
personal identification data submitted for this request is true  
verifiable fingerprint identification submitted.

Steve Ziskand  
Requester

SUBSCRIBED and SWORN to  
before me this 19 day of  
May, 2006.

Notary

My Commission Expires: 14 August 2010

JULY 18, 2006

ATT: Deborah Seyller, Circuit Court Clerk

Petitioner in the stated case's enclosed:

- In Case No. 00CF-1533 (Class 4) 720570-402 (C);
- In Cases No. 00CF-1533 (Class B) 720550-4 (B);
- In Case No. 95CF-01201, For Possession of a Control Substance.

Who is named as a Defendant in all the above stated Case's as; Steve R. Liscano. This Petitioner request that if possible to have the following information ASAP as this Petitioner is within a time frame with the Court in which to file copy's. I thank You for your time and consideration on this matter.

Sincerely Yours

Steve Liscano

Steve R. Liscano  
Reg. No. 14996-424

U.S. Penitentiary

P.O. Box, 12015

Terre Haute, IN 47801

P.S., This is a resubmitted request with more information that would be of assistance in locating requested information.



**Office of the Circuit Court Clerk**

16th Judicial Circuit  
Kane County

**DEBORAH SEYLLER**  
Circuit Court Clerk  
Fax (630) 208-2172

P.O. Box 112  
Geneva, IL 60134-0112  
Telephone (630) 232-3413

Case Number: 00 CF 1533 AND 95 CF 1201

To: **STEVE R LISCANO #14996-424**

**U.S. PENITENTIARY**

**PO BOX 12015**

**TERRE HAUTE, IN 47801**

**MISCELLANEOUS CORRESPONDENCE**

Our office has reviewed your court files and searched for copies of the information that you had requested. Our office does not have any confiscated items from the 1135 Mc Donald Ave. residence. You will need to contact the arresting agency for copies of these items. In regards to any discovery filed in your cases, we have searched the files for these documents and find that they were not filed with us. You may wish to contact your attorney for copies of these documents. We regret being unable to help you at this time. If you have any further questions, please feel free to contact our office again. Thank you

Date: August 2, 2006

Deborah Seyller, Clerk / 107  
By: Deborah Seyller / 107  
Deputy Clerk

COPY

Dorothy Szallier Clerk of the Circuit Court Kane County, IL.	
APR 27 2005	
FILED	070
ENTERED	

IN THE CIRCUIT COURT OF THE SIXTEENTH  
JUDICIAL CIRCUIT KANE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS	)	CASE NO. 00CF-1533 CT.1; CT.2
	)	
	)	
V.	)	Honorable, Wegner
	)	Room #217
STEVE R. LISCANO	)	
	)	
Defendant.	)	

NOTICE OF FILING

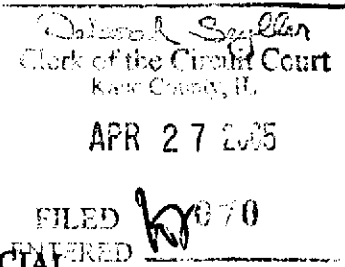
To: Clerk of the Courts of:  
Kane County Courthouse  
Judicial Center, 37 West  
777 RT. 38 ST. Charles  
Illinois 60175

PLEASE TAKE NOTICE that on April 22, 2005. I filed Prose-Se with the clerk of the state of Illinois Circuit Court for the 16<sup>th</sup> Judicial circuit of Kane County at 37 West 777 RT. 38 ST. Charles Il. the attached **DEFENDANTS' MOTION for: WRIT OF HABEAS CORPUS**. To discuss among things, the discovery of the case given above.

Respectfully submitted,

Steve R. Liscano  
Steve R. Liscano

\* COPIES SENT TO: STATE, DEFENSE, &  
JUDGE



IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL  
CIRCUIT KANE COUNTY, ILLINOIS

STATE OF ILLINOIS

V.

STEVE R. LISCANO

CASE NO. 00CF-1533 CT.1; CT.2  
Honorable. Wegner  
Room #217

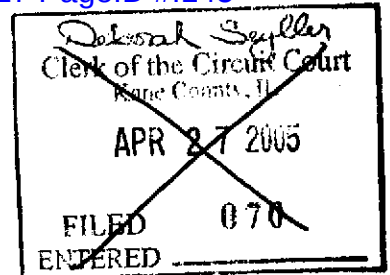
**MOTION FOR WRIT OF HABEAS CORPUS;**  
**DISCLOSURE OF DISCOVERY MATERIAL**

Now comes the defendant, Steve R. Liscano prose-and moves this Honorable court, to bring forth the defendant to court room #217 of Kane County Circuit Court for an order to obtain legal documents-meaning court transcripts, court records and discovery evidence of the cases given below pertaining to the year 2000. Pursuant to the **FREEDOM OF INFORMATION ACT.**

CT.1: Unlawfull possession of a controlled substance  
00CF-1533 (class 4) 720 570-402 (c)

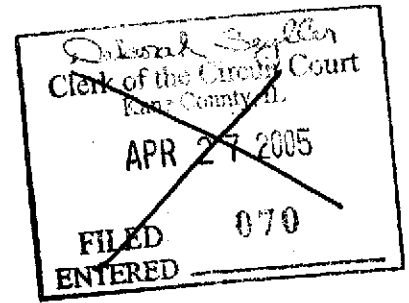
CT.2: Possession of 2.5-10 grams of cannabis, Kane Co. Circuit CT., DKT. #  
00CF-1533 (Class B) 720 550-4 (B) Arrest date 6/8/00 warrant issue 6/20/00

In support of this motion, the defendant states as follows:



### ARGUMENT

- (1.) The court construes evidentiary privileges narrowly because they represent a "derogation of the truth." *United States v. White* (7<sup>th</sup> Cir.1991). Accordingly, the burden falls on the proponent to establish that a privilege applies. *White*, 950 F.2 at 430.
- (2.) The required record exception provides that there is no Fifth Amendment protection that would protect a witness against turning over records required to be kept by statute. It is premised on three conditions: (1) the purpose of the compulsory record keeping must be essentially regulatory; (2) the records sought must be the kind of information that the regulated party would customarily keep; and (3) the records must have "public aspects" that make them comparable to public documents. *Grosso v. United States*, 390 U.S. 62, 67-68 (1968); *Shapiro v. United States*, 355 U.S. 1 (1948). The rationale of the doctrine is the person has a duty to keep the records and produce them to the regulatory authority, so that he cannot complain that he will incriminate himself if forced to turn them over. The force will have been exerted by the duty to maintain the records as a necessary incident to a lawful regulatory scheme, not by the demand to produce them. *Commodity Futures Trading Comm'n v. Collins*, 997 F.2d 1230, 1231-34 (1993). A person who voluntarily entered a regulated industry cannot complain about having to yield records the regulated industry required him to keep. *Smith v. Richert*, 35 F.3d 300 (1994).
- (3.) The government is required to provide documents that are controlled by the state government or the police upon request and access to documents and tangible objects that are material to the defendant's defense or that the government or state intends to use at trial. *United States v. Bastanipour*.
- (4.) In cases involving technical and scientific evidence, may require greater disclosure, "including written and oral reports, tests, investigations and any other information that might be recognized as a legitimate basis for an opinion under FED.R. EVID. 703; *Jackson*, 51 F.3d at 651."



**CONCLUSION**

The Honorable Court must send defendant Steve R. Liscano on a Writ of Habeas Corpus to, The Kane County Court House to settle the matter at hand.

Wherefore, for the reasons stated above, defendant Steve R. Liscano respectfully requests that the considerations described in this motion, the Honorable Court take into account.

Dupage County Correctional Center  
501 North County Farm Road  
Wheaton, Illinois 60187

Respectfull, Submitted

Steve R. Liscano

Steve R. Liscano

**ADDENDLUM TO DEFENDANT'S MOTION FOR:**  
**WRIT OF HABEAS CORPUS; DISCLOSURE**  
**OF DISCOVERY MATERIAL**

Dakota H. Sautter Clerk of the Circuit Court Kane County, IL	
APR 27 2005	
FILED	070
ENTERED	

I Steve Ruben Liscano, hereby give consent or authorization to Blanca Serenil [my Fiance], and Gloria Gonzales [my Mother], to obtain any or all legal documents including: court transcripts, court records, police records and discovery evidence of my past state cases.

**"Specificly these two cases given"**

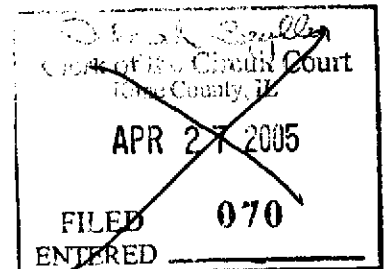
[Kane County Sherrif's office]

CT.2: Possession of 2.5-10 grams of cannabis, Kane Co. Circuit CT., DKT. # 00CF-1533 (Class B) 720 550-4 (B) Arrest date 6/8/00 warrant issue 6/20/00

CT.1: Unlawfull possession of a controlled substance  
00CF-1533 (class 4) 720 570-402 (c)

The discovery records and any written documents pertaining to the year 2000, in which the residence at 1135 McDonald Ave., was raided by the Kane County Sheriff's Department Task Force. This residence being my mother's-Gloria Gonzales- Of whom I have also given consent to take care of these legal matters at hand.

As an American Citizen under the Freedom of Information Act, I as do they, have the right to due process of any but not limited to any legal matter pertaining to myself. Wherefore, for the reasons states above, I Steve R. Liscano prayfully and respectfully request for the information asked for above.

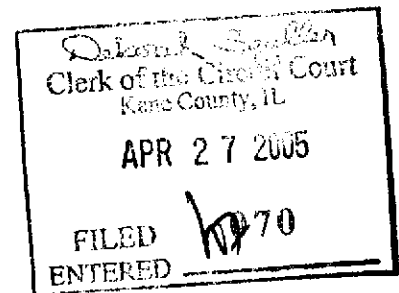


Respectfully,

A handwritten signature in cursive script that reads "Steve R. Liscano".

Steve R. Liscano

**AFFIDAVIT OF SERVICE**

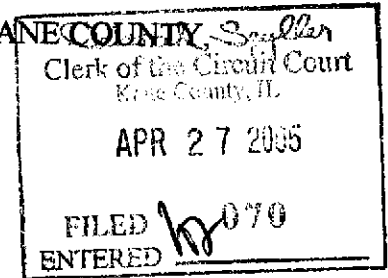


The undersigned, under penalties as provided by law pursuant to section 1-109 of the code of civil procedure, hereby certifies that I served a copy of the foregoing Notice and documents mentioned therein, to the party and at the address shown, by placing a true and correct copy of the same in an envelope with postage fully prepaid, and deposited said envelope in the United States mail.

(Sign)/s/ Steve R. Lisano  
Date: April 22, 2005



To: THE CLERK OF THE 16<sup>TH</sup> JUDICIAL CIRCUIT COURT KANE COUNTY,  
ILLINOIS



Re:

ATTN: CLERK OF COURTS

I am currently incarcerated in Dupage County Jail, Wheaton IL. I am filing this motion pro-se. Please help me. I must have this filed as soon as possible, please do the following:

- (1) Could you please stamp filed on these motions and return a copy to me.
- (2) Notify me of or when a court date is set on these motions
- (3) Give a copy to the State: Judge, clerk,, attorney.
- (4) Any other item I have missed could you please assist me with

Thank you

Sincerely,

A handwritten signature in cursive script that reads "Steve R. Liscano".

Steve Liscano